

SCIENCE AND INDUSTRY RESEARCH.

No. 20 of 1926.

An Act to amend the *Institute of Science and Industry Act 1920*.

[Assented to 21st June, 1926.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Science and Industry Research Act 1926*. Short title
and citation.

(2.) The *Institute of Science and Industry Act 1920** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Science and Industry Research Act 1920–1926*.

2. Section two of the Principal Act is amended—

- (a) by omitting the words “Institute of Science and Industry” and inserting in their stead the words “Council for Scientific and Industrial Research”; Parts.
- (b) by omitting the word “Director” and inserting in its stead the word “Council”; and
- (c) by inserting before the words “Part IV.—Miscellaneous.” the words “Part IIIA.—State Committees.”.

3. Section three of the Principal Act is amended—

- (a) by omitting the definition of “Institute”; Definitions.
- (b) by omitting from the definition of “Officer” the words “by the Director”; and
- (c) by inserting after the definition of “Officer” the following definition:—
- “‘The Council’ means the Commonwealth Council for Scientific and Industrial Research.”; and
- (d) by omitting the definition of “The Director”.

* Act No. 22, 1920.

4. Part II., consisting of sections four to ten inclusive, of the Principal Act is repealed and the following Part and sections inserted in its stead:—

“ PART II.—THE COMMONWEALTH COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH.

Council for
Scientific and
Industrial
Research.

“ 4.—(1.) There shall be a Commonwealth Council for Scientific and Industrial Research, which shall be a body corporate with perpetual succession and a common seal and capable of suing and being sued.

“ (2.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Council affixed to any document or notice, and shall presume that it was duly affixed.

“ (3.) The Council shall, subject to this Act, have power to hold lands, tenements and hereditaments, goods, chattels and any other property for the purpose of and subject to this Act.

“ (4.) The Council shall have power to acquire by gift, grant, bequest or devise, any such property for the purposes of this Act, and to agree to any conditions of such gift, grant, bequest or devise.

“ (5.) The powers of the Council under the last preceding sub-section shall be exercised subject to the regulations and the approval of the Minister.

“ (6.) Any property which was, immediately prior to the commencement of this section, vested in the Commonwealth Institute of Science and Industry shall, upon that commencement, become vested in the Council.

Membership
of Council.

“ 5.—(1.) The Council shall consist of the following members—

(a) three members nominated by the Minister and appointed by the Governor-General, one of whom the Governor-General shall appoint to be Chairman of the Council;

(b) the Chairman of each State Committee constituted under this Act; and

(c) such other members as the Council, with the consent of the Minister, co-opts by reason of their scientific knowledge.

“ (2.) The members appointed by the Governor-General on the nomination of the Minister shall hold office for a period not exceeding five years and shall be eligible for re-appointment.

“ (3.) A member co-opted in pursuance of paragraph (c) of sub-section (1.) of this section shall hold office for the period specified at the time of his co-option.

Meetings
of the
Council.

“ 6.—(1.) The Council shall meet at such times and places as the Minister determines.

“ (2.) Five members of the Council shall constitute a quorum for the transaction of the business of the Council.

Remuneration.

“ 7.—(1.) The Chairman and other members of the Council shall receive such remuneration and expenses as are fixed by the Governor-General.

“(2.) The Consolidated Revenue Fund is, to the extent necessary to provide for payment of the remuneration of members of the Council, hereby appropriated accordingly.

“8.—(1.) There shall be an Executive Committee of the Council consisting of the members of the Council appointed by the Governor-General on the nomination of the Minister. Executive Committee of the Council.

“(2.) The Executive Committee shall have and may exercise, between meetings of the Council, all the powers and functions of the Council.

“9. Upon the death or retirement of any member of the Council during his term of office— Casual vacancies in Council.

(a) in the case of a member appointed by the Governor-General on the nomination of the Minister—the Governor-General may on the like nomination appoint a person to hold the vacant office until the expiration of the term of the member who has died or retired ; and

(b) in the case of any other member—the deputy Chairman (if any) of the State Committee shall hold the vacant office until the appointment of a Chairman of that Committee.

“10. In case of the illness, suspension or absence of a member of the Council the Governor-General may appoint a person to act as the deputy of the member during his illness, suspension or absence, and the deputy shall, while so acting, have and may exercise all the powers and functions of the member. Deputies of members.

“10A. The Governor-General may at any time remove a member of the Council from his office for proved misbehaviour or incapacity. Suspension of member.

5. The heading to Part III. of the Principal Act is amended by omitting the word “Director” and inserting in its stead the word “Council”. Amendment of heading to Part III.

6. Section eleven of the Principal Act is amended—

(a) by omitting the words “The powers and functions of the Director shall, subject to the regulations and to the directions of the Minister, be—” and inserting in their stead the following words :— Powers and functions of Council.

“(1.) The Council may make recommendations to the Minister as to—

(a) its policy and work ;

(b) the funds required for carrying out the work of the Council ; and

(c) the allocation of funds made available for carrying out that work.

“(2.) The powers and functions of the Council shall, subject to the regulations and to the approval of the Minister, be—” ;

- (b) by inserting in paragraph (b) before the words "the establishment" the words "the training of research workers and";
- (c) by inserting in paragraph (e) after the words "instruments, and" the words "the carrying out of scientific investigations connected with standardization";
- (d) by omitting from paragraph (f) the word "and" (last occurring); and
- (e) by omitting paragraph (g) and inserting in its stead the following words :—
- "and also that of acting as a means of liaison between the Commonwealth and other countries in matters of scientific research."

Co-operation
with State
organizations.

7. Section twelve of the Principal Act is amended by omitting the word "Director" and inserting in its stead the word "Council".

8. After Part III. the following Part and sections are inserted :—

"PART IIIA.—STATE COMMITTEES.

Appointment
of State
Committees.

"12A.—(1.) The Governor-General may appoint a State Committee in each State consisting of such number of members as is prescribed.

"(2.) The terms of the appointment of members and the method of appointment of the Chairman of each State Committee shall be as prescribed.

Function
of State
Committees.

"12B. The function of each State Committee shall be to advise the Council with regard to—

- (a) the general business of the Council; and
- (b) any particular matter of investigation and research."

9. Section fourteen of the Principal Act is repealed and the following sections inserted in its stead :—

Investigators
and
Committees of
Investigation.

"14.—(1.) The Council may, with the approval of the Minister, appoint such Investigators and Committees of Investigation as it deems necessary for the purposes of this Act.

"(2.) Investigators and Committees of Investigation shall be appointed upon such terms and conditions as are approved by the Minister.

Appointment
of officers.

"14A.—(1.) The Council may, with the approval of the Minister, appoint such officers as it thinks necessary for the purposes of this Act.

"(2.) Officers employed under this Act shall not be subject to the *Commonwealth Public Service Act* 1922–1924, but shall be engaged for such periods and shall be subject to such conditions as are prescribed.

“(3.) An officer of the Commonwealth Public Service or of the Public Service of a State who becomes an officer under this Act shall retain all his existing and accruing rights.

“(4.) An officer appointed under this Act shall be deemed to be an ‘employee’ within the meaning of section four of the *Superannuation Act 1922-1924* unless the Council, at the time of the appointment of the officer, notifies him in writing that he is not to be deemed such an employee.”.

10. Section fifteen of the Principal Act is amended by omitting the word “Institute” (wherever occurring) and inserting in its stead the word “Council”. Discoveries by officers.

11. Section sixteen of the Principal Act is amended— Bonuses for discoveries by officers.
 (a) by omitting the word “Director” and inserting in its stead the word “Council”; and
 (b) by omitting the word “Institute” (wherever occurring) and inserting in its stead the word “Council”.

12. Section seventeen of the Principal Act is amended— Fees and agreements for special investigations.
 (a) by omitting the word “Director” and inserting in its stead the word “Council”; and
 (b) by omitting the word “he” and inserting in its stead the word “it”.

13. After section seventeen of the Principal Act the following sections are inserted:—

“17A. For the purposes of scientific and industrial investigations carried out in pursuance of this Act there is hereby appropriated from the Consolidated Revenue Fund the sum of Two hundred and fifty thousand pounds. Appropriation for investigations.

“17B.—(1.) The amount appropriated by the last preceding section shall be paid into and form part of a Trust Account to be known as the Science and Industry Investigation Trust Account. Trust Account.

“(2.) The Trust Account established by this section shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901-1924*.

“(3.) No money shall be expended from the Trust Account established by this section except in accordance with estimates of expenditure which have been passed by both Houses of the Parliament.”.

14. Section eighteen of the Principal Act is amended— Annual report of Council.
 (a) by omitting the word “Director” and inserting in its stead the word “Council”; and
 (b) by omitting the word “Institute” and inserting in its stead the word “Council”.

15. Section nineteen of the Principal Act is amended by omitting the word “Director” and inserting in its stead the word “Council”. Reports to be presented to Parliament.

Power to
publish
information.

16. Section twenty of the Principal Act is amended—

(a) by omitting the word “ Director ” and inserting in its stead the word “ Council ” ; and

(b) by omitting the words “ him as he ” and inserting in their stead the words “ it as it ”.

Regulations.

17. Section twenty-one of the Principal Act is amended by omitting the word “ Director ” and inserting in its stead the word “ Council ”.
